IFW

Under the Paperwork Reduction Act of 1995 TRANSMITTAL FORM (to be used for all correspondence after initial Total Number of Pages in This Submission	Application Number Filing Date First Named Inventor Art Unit Examiner Name	Patent and Ti	ggers effley
Fee Transmittal Form Fee Attached Amendment/Reply After Final Affidavits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statement Certified Copy of Priority Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53	Petition Petition Petition to Convert to a Provisional Application Power of Attorney, Revocation Change of Correspondence of Terminal Disclaimer Request for Refund CD, Number of CD(s) Landscape Table on C Remarks Form 1449 (2) cited patents International Search Report	Address	After Allowance Communication to TC Appeal Communication to Board of Appeals and Interferences Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Proprietary Information Status Letter Other Enclosure(s) (please Identify below):
Firm Name	TURE OF APPLICANT, ATTO	RNEY, C	OR AGENT
Mueller and Smith, LPA	- But		
Date May 27, 2005		Reg. No.	45,725
I hereby certify that this correspondence is sufficient postage as first class mail in an eithe date shown below:	being facsimile transmitted to the USP nvelope addressed to: Commissioner for	O or depos	ILING sited with the United States Postal Service with P.O. Box 1450, Alexandria, VA 22313-1450 on

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Jane Keeney

Typed or printed name

Date May 27, 2005

Attorney Docket No.: NET 2-098

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Philip E. Eggers

Serial No.

10/630,100

Filed:

July 30, 2003

For:

Electrosurgical Accessing of Tissue with Controlled

Collateral Thermal Phenomena

Examiner

Michael Peffley

TC/AU

3739

Attorney Docket No.

NET 2-098

HONORABLE COMMISSIONER FOR PATENTS MAIL STOP AMENDMENT P.O. BOX 1450 ALEXANDRIA, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

This Information Disclosure Statement is filed in conformity with 37 C.F.R. §§ 1.56, 1.97 and 1.98. Accordingly, copies of the art cited herein are provided:

Document	Date	Name	
USPN 5,814,044	09/29/1998	Hooven	
USPN 5,718,709	02/27/1998	Considine	

REMARKS

The above-identified US patents were cited in an International Search Report mailed May 20, 2005 in connection with a PCT application corresponding to the above-identified application. A copy of the International Search Report is attached hereto. It respectfully is submitted that none of the foregoing art, alone or in combination, shows or proposes the present invention. Accordingly, favorable action on the application respectfully is requested.

Attorney Docket No.: NET 2-098

Respectfully submitted,

Diane E. Burke

Reg. No. 45,725

MUELLER AND SMITH, L.P.A.

MUELLER-SMITH BUILDING

7700 Rivers Edge Drive

Columbus, Ohio 43235-1355

Tel.: 614-436-0600

Fax: 614-436-0057

email: dburke@muellersmith.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited on May 27, 2005 with the United States Postal Service as first class mail in an envelope addressed to:

COMMISSIONER FOR PATENTS MAIL STOP AMENDMENT P.O. BOX 1450 ALEXANDRIA, VA 22313-1450

Jane Keeney

PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE 2016 Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

Sheet 1

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

of 1

Complete if Known			
Application Number	10/630,100		
Filing Date	July 30, 2003		
First Named Inventor	Philip E. Eggers		
Art Unit	3739		
Examiner Name •	Michael Peffley		
Attorney Docket Number	NET 2-098		

U. S. PATENT DOCUMENTS						
Examiner Initials*	Cite No.1	Document Number Number-Kind Code ^{2 (f known)}	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
		Number-Kind Code	00/00/4000			
		^{US-} 5,814,044	09/29/1998	Hooven		
		^{US-} 5,718,709	02/27/1998	Considine		
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
· ·		US-				
		US-				
		US-				
		US-				

Examiner Cite Initials* No.1	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages	T	
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)	MM-DD-YYYY		Or Relevant Figures Appear	Ĺ
			·			Ļ
						╊
						t
						Ī

Examiner	Date	
Signature	Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. Senter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 longituding gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.